

NOV 18 2004

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TO: TC: 3700 **GAU:** 3763
Examiner: Loan H. THANH

COMPANY: United States Patent and Trademark Office

TELEFAX NO.: (703) 872-9306

FROM: Belinda J. HUNTER - Patent Paralegal

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November 18, 2004

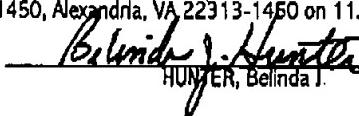
Your Ref No.: 09/767,027

Our Ref. No.: 3486-024 DIV III

**RE: Terminal Disclaimer
and Fee Authorization**

CERTIFICATE OF TRANSMISSION UNDER 37 CFR §1.8

I hereby certify that this correspondence is being facsimile transmitted to Examiner THANH, Loan H., Group Art Unit 3763 at Fax 703/872-9306, Mail Stop AF, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450 on 11.18.2004.


 HUNTER, Belinda J.

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P.02

PTO/88/21 (08-03)

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TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>		Application Number	09/767,027
		Filing Date	January 22, 2001
		First Named Inventor	HOCHMAN, Mark N.
		Art Unit	3763
		Examiner Name	THANH, Loan H.
Total Number of Pages in This Submission	5	Attorney Docket Number	3486-024 DIV III

ENCLOSURES (Check all that apply)							
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input checked="" type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD. Number of CD(s) _____	<input type="checkbox"/> After Allowance communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): <input type="checkbox"/> Telefax Cover Sheet;					
				Remarks			
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				Customer No: 22440		Depositor:	
				Confirmation No: 3318		<i>Belinda J. Hunter</i> HUNTER, Belinda J.	
				SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
				Firm or Individual name	WEISZ, Tiberiu Reg No 29,876		
				Signature	<i>attm</i>		
				Date	November 18, 2004		

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Signature			
	Date	November 18, 2004	

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P.03

PTO/SB/17 (10-04v2)

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FEE TRANSMITTAL

for FY 2005

Effective 10/01/2004. Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 55.00)

Complete if Known

Application Number	09/767,027
Filing Date	January 22, 2001
First Named Inventor	HOCHMAN, Mark N.
Examiner Name	THANH, Loan H.
Art Unit	3763
Attorney Docket No.	3486-024 DIV III

METHOD OF PAYMENT (check all that apply)

 Check Credit card Money Order Other None
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 07-1730

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 Charge any additional fee(s) or any underpayment of fee(s)
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity	Small Entity	Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1001 790	2001 395	Utility filing fee			
1002 350	2002 175	Design filing fee			
1003 550	2003 275	Plant filing fee			
1004 790	2004 395	Reissue filing fee			
1005 160	2005 80	Provisional filing fee			
SUBTOTAL (1) (\$)					

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Independent Claims	Multiple Dependent	Extra Claims	Fee from below	Fee Paid
			-20** =	X	
			-3** =	X	

Large Entity	Small Entity	Fee Description
1202 18	2202 9	Claims in excess of 20
1201 88	2201 44	Independent claims in excess of 3
1203 300	2203 150	Multiple dependent claim, if not paid
1204 88	2204 44	-- Reissue independent claims over original patent
1205 18	2205 9	-- Reissue claims in excess of 20 and over original patent
SUBTOTAL (2) (\$)		

**or number previously paid, if greater. For Reissues, see above

3. ADDITIONAL FEES

Large Entity	Small Entity	Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	SurchARGE - late filing fee or oath			
1052 50	2052 25	SurchARGE - late provisional filing fee or cover sheet			
1053 130	1053 130	Non-English specification			
1812 2,520	1812 2,520	For filing a request for ex parte reexamination			
1804 820*	1804 820*	Requesting publication of SIR prior to Examiner action			
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action			
1251 110	2251 55	Extension for reply within first month			
1252 430	2252 215	Extension for reply within second month			
1253 980	2253 480	Extension for reply within third month			
1254 1,530	2254 765	Extension for reply within fourth month			
1255 2,080	2255 1,040	Extension for reply within fifth month			
1401 340	2401 170	Notice of Appeal			
1402 340	2402 170	Filing a brief in support of an appeal			
1403 300	2403 150	Request for oral hearing			
1451 1,510	1451 1,510	Petition to institute a public use proceeding			
1452 110	2452 55	Petition to revive - unavoidable			
1453 1,370	2453 685	Petition to revive - unintentional			
1501 1,370	2501 685	Utility issue fee (or reissue)			
1502 490	2502 245	Design issue fee			
1603 660	2503 330	Plant issue fee			
1460 130	1460 130	Petitions to the Commissioner			
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)			
1806 160	1806 180	Submission of Information Disclosure Stmt			
8021 40	8021 40	Recording each patent assignment per property (times number of properties)			
1808 780	2808 395	Filing a submission after final rejection (37 CFR 1.129(a))			
1810 790	2810 395	For each additional invention to be examined (37 CFR 1.129(b))			
1801 780	2801 395	Request for Continued Examination (RCE)			
1802 900	1802 900	Request for expedited examination of a design application			
Other fee (specify)		Statutory Disclaimer 37 CFR 1.20(d)			55.00
*Reduced by Basic Filing Fee Paid		SUBTOTAL (3) (\$)			55.00

(Complete if applicable)

Name (Print/Type)	WEISZ, Tiberiu	Registration No. /Attorney/Agent	29,876	Telephone (212) 684 3900
Signature			Date	November 17, 2004

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PTO/SB/26 (08-03)

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**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING
REJECTION OVER A PRIOR PATENT**

Docket Number (Optional)
3486-024 DIV III

In re Application of: HOCHMAN, Mark N

Application No.: 09/767,027

Filed: January 22, 2001

For: DRUG DELIVERY SYSTEM WITH PROFILES

The owner*, Milestone Scientific Inc, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,200,289. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

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1. For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. The undersigned is an attorney or agent of record.

November 17, 2004

Signature

Date

WEISZ, Tiberiu Reg No 29,876

Typed or printed name

(212) 884 3900

Telephone Number

- Terminal disclaimer fee under 37 CFR 1.20(d) included.

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